

SENATE BILL 771

By Harper

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, relative to Tennessee Human
Trafficking Act of 2007.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, is amended by adding
Sections 2 through 8 of this act as a new, appropriately designated part:

SECTION 2. This part shall be known and may be cited as the "Tennessee Human
Trafficking Act of 2007".

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Coercion" means:

(A) Causing or threatening to cause bodily harm to any person, physically
restraining or confining any person, or threatening to physically restrain or
confine any person;

(B) Exposing or threatening to expose any fact or information that if
revealed would tend to subject a person to criminal or immigration proceedings,
hatred, contempt, or ridicule;

(C) Destroying, concealing, removing, confiscating, or possessing any
actual or purported passport or other immigration document, or any other actual
or purported government identification document, of any person; or

(D) Providing a controlled substance, as defined by § 39-17-402(4), to a
person.

(2) "Deception" means:

(A) Creating or confirming another person's impression of an existing fact
or past event which is false and which the accused knows or believes to be false;

(B) Maintaining the status or condition of a person arising from a pledge by that person of personal services as security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined, or preventing a person from acquiring information pertinent to the disposition of such debt; or

(C) Promising benefits or the performance of services which the accused does not intend to deliver or perform or knows will not be delivered or performed. Evidence of failure to deliver benefits or perform services standing alone shall not be sufficient to authorize a conviction under this part.

(3) "Labor servitude" means work or service of economic or financial value which is performed or provided by another person and is induced or obtained by coercion or deception.

(4) "Sexually explicit conduct" means actual or simulated:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any person;

(E) Flagellation or torture by or upon a person who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's unclothed genitals, pubic area, or buttocks or with a female's nude breasts;

(H) Defecation or urination for the purpose of sexual stimulation of the viewer; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

(5) "Sexual servitude" means:

(A) Any sexually explicit conduct as defined in subdivision (4) of this section for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under the age of eighteen (18) years; or

(B) Any sexually explicit conduct as defined in subdivision (4) of this section which is performed or provided by any person, which conduct is induced or obtained by coercion or deception or which conduct is induced or obtained from a person under eighteen (18) years of age.

SECTION 4. A person commits the offense of trafficking a person for labor servitude when that person knowingly subjects or maintains another in labor servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of labor servitude.

SECTION 5. A person commits the offense of trafficking a person for sexual servitude when that person knowingly subjects or maintains another in sexual servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of sexual servitude.

SECTION 6. A violation of Section 4 or Section 5 is a Class B felony.

SECTION 7. Each violation of this part shall constitute a separate offense.

SECTION 8. A corporation may be prosecuted under this part for an act or omission constituting a crime under this part only if an agent of the corporation performs the conduct which is an element of the crime while acting within the scope of his or her office or employment and on behalf of the corporation and the commission of the crime was either authorized, requested, commanded, performed, or within the scope of his or her employment on behalf of the corporation or constituted a pattern of illegal activity that an agent of the company knew or should have known was occurring."

SECTION 9. This act shall take effect July 1, 2007, the public welfare requiring it.